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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/092,488 06/05/98 JOHNSON

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INTELLECTUAL PROPERTY ADMINISTRATION
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EXAMINER

SOUGH, H

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/092,488

Applicant(s)

JOHNSON, TEDDY C.

Examiner

Hyung S. Sough

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/06/2000 and 03/12/2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 06 November 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Election/Restriction

1. Applicant's election of Group I, claims 1-3, 6, 7, and 11, in Paper No. 7 is acknowledged and claims 8-10 and 12-19 are withdrawn from consideration. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on November 6, 2000 have been approved by the examiner.
3. The indicated allowability of claims 2, 3 and 6 is withdrawn for the following reasons.

Claim Rejections - 35 U.S.C. § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 11, lines 6-7, "the host machines" does not have proper antecedent basis.

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Lines 12-13, "firewall means for providing security between machines," cannot be clearly understood. More specifically, are "machines" in line 13 referring back to "a plurality of host machine means" recited in line 4? Or are "machines" in addition to "a plurality of host machine means" recited in line 4?. If "machines" in line 13 refer back to "a plurality of host machine means" recited in line 4, the claim recites the feature that is not shown in the figures, i.e., each "host machine" has "firewall means" to provide security.

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosed prior art in view of Joffe et al (Joffe hereinafter: US PAT. 6,185,619 B1) and Kawaguchi (US PAT. 5,832,527).

The disclosed prior art (Fig. 1) shows a system having (a) a host machine for running a plurality of processes (i.e., Web server, FTP server, and customer database), the host machine residing an unsecured side of a firewall (i.e., an external side of the firewall); and (b) a filing

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storage system accessible by the host machine having a storeroom area and a customer account.

Re claims 1, 7, and 11: The disclosed prior art does not show the following features:

- (1) a plurality of host machines for running a plurality of processes located an unsecured side of a firewall;
- (2) at least one secure communication link between the plurality of host machines.
- (3) hard file links comprising pointers to files between the storeroom area and the customer account area; and
- (4) at least one secured host machine located on the secured side of the firewall, wherein the secured host machine comprises a customer account database which is accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

However, these differences between the subject matter sought to be patented and the disclosed prior art do not render the claimed construction patentable for the following reasons.

- (1) Joffe discloses the use of a plurality of servers for running a plurality of processes (see column 2, lines 8-9) to solve “The problems of latency and bandwidth constraints” (see column 1, lines 51-53). Thus, It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of host machines for running a plurality of processes as disclosed by Joffe to solve “The problems of latency and bandwidth constraints”. Further, It would have been within the level ordinary skill in the art at the time the invention was made to

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employ a plurality of host machines for running a plurality of processes, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Nerwin v. Erlichman, 168 USPQ 177, 179.

(2) It is well-known and fundamental practice in the art to employ secure communication links (e.g., cryptography) to protect against unauthorized access, operation or use of any web site, server or network system, and it would have been common sense to use secure communication links to any web site, server network including the host machines as claimed as desired.

(3) Kawaguchi teaches the use of hard link having a pointer to provide a file management system that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects. Thus, it would have been within a level of ordinary skill in the art to modify the disclosed prior art by adopting the teaching of Kawaguchi (i.e., linking files) to provide a filing storage system (i.e., a file management system) that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects.

(4) As stated supra, Joffe discloses the use of separate host machines for running a plurality of processes (see column 2, lines 8-9) to solve “The problems of latency and bandwidth constraints” (see column 1, lines 51-53). Thus, It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a separate host machine having a customer account database to solve “The problems of latency and bandwidth

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constraints". Further, It would have been within the level ordinary skill in the art at the time the invention was made to employ a separate host machine for a customer account database, since it has been held that constructing a formerly integral structure (i.e., a host machine having Web server, FTP server and a customer database) in various elements (i.e., a host machine having Web server, a host machine having FTP server, and a host machine having a customer database) involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Still further, one of the basic problems in the art is to keep the customer account database (which generally contains sensitive information, i.e., credit card numbers, phone numbers and addresses) secure, and it would have been common sense to employ a secured host machine located on the secured side of the firewall to enhance the security of the customer account database. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the host machine having the customer account database at any desirable location including the claimed location to enhance the security of the customer account database, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Moreover, the customer account database (which is used for authorizing the customer to a specific web site and charging the fee) must be accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

Re claims 2, 3, and 6: None of the cited prior art explicitly discloses the use of various claimed secure communication links (i.e., protocol recited in claim 2, DES, or tobj protocol). However, these are well-known protocols used for secure communication, and

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nothing unobvious is seen to have been involved simply having employed these well-known protocols for transferring data over the Internet to provide the security to the data transfer.

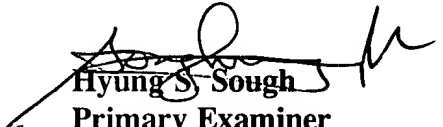
Response to Arguments

8. Applicant's arguments with respect to claims 1, 7, and 11 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyung S. Sough whose telephone number is (703) 308-0505. The Examiner can normally be reached Monday-Friday from 8:30 AM - 4:00 PM EST.

If attempts to reach the Examiner by telephone are unsuccessful, The Examiner's Supervisor, James P Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group Fax number is (703) 308-1396.


Hyung S. Sough
Primary Examiner
Art Unit 2161

shs
May 19, 2001